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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/602,580

06/23/2003

Gregory W. Irvin

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08/04/2005

BAKER BOTTS L.L.P.

2001 ROSS AVENUE

SUITE 600

DALLAS, TX 75201-2980

EXAMINER

THOMPSON, HUGH B

ART UNIT

PAPER NUMBER

3634

DATE MAILED: 08/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/602,580

Applicant(s)

IRVIN ET AL.

Examiner

Hugh B. Thompson II

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 7, 8, 12, 14, 16, 17, 20 and 22-27 is/are rejected.
- 7) ☒ Claim(s) 4, 6, 9, 10, 13, 15, 18, 19 and 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>6-23-03, 3-1-04, 5-3</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3, 5, 7, 8, 11, 12, 14, 16, 17, 20, and 22-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Griffin et al #6,860,065. Griffin et al, as best seen in Figures 7 and 8, and recited in column 1, lines 43-46, column 2, lines 1-7, column 3, lines 9-40, and column 4, lines 30-38, disclose a garage door system comprised of push button transmitters 31, 61 (trigger event), which sends an RF, sound, or optical (i.e., UV or infrared) signal (commonly reflected) that is received by receivers 52, 63, 71, 82, and a programmable controller/processor 56, 75, that controls the system and moves door 24 to desired positions in response to specific decoded signal transmissions.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Griffin et al as applied to claims 1, 3, 5, 7, 8, 11, 12, 14, 16, 17, 20, and 22-27 above, and further in view of Emil #6,046,562. Griffin et al fail to disclose a predetermined period of time between the trigger event and transmission of the detection signal. Emil, as recited in column 3, lines 10-22, and column 4, lines 17-28, teaches the utility of a garage door system 10 comprised of a transmitter 38 that transmits a detection signal in a predetermined time period, i.e., by completion of a circuit or by a programmable timer means, which allows for controlled movement of the motor 18 and thus a door 12.

Therefore to one of ordinary skill in the art, it would have been obvious to provide the garage door system of Griffin et al with a programmable time means or a circuit closed by a predetermined condition, as taught by Emil, so as to allow for controlled movement of a motor and thus a garage door.

Allowable Subject Matter

Claims 4, 6, 9, 10, 13, 15, 18, 19, and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The primary reason for the allowable subject matter of claims 4, 13, and 21, is the inclusion of the detection of the trigger event being detecting a light has turned off. For claims 6 and 15, it is the inclusion of transmission of a second activation signal to move the door from the second to the first position and waiting a second predetermined period of time and transmitting an activation signal operable to move the door to a third position if a disable signal is not detected. For claims 9 and 18, it is the inclusion

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of generating a warning indication and transmitting an activation signal operable to move the door to a second position if the reflected detection signal is received and a disable signal is not detected within a predetermined period of time. For claims 10 and 19, it is the inclusion of transmitting a second detection signal after transmission of the activation signal, determining whether a second reflected signal is received after transmission of the second detection signal, determining that the door is in a first position if the second reflected signal is received, and transmitting a second activation signal operable to move the door to a second position if the second reflection signal is received. The prior art of record fails to teach or suggest the claimed features absent the applicant's own disclosure.

Conclusion

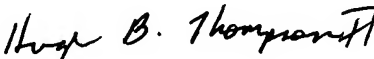
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Duhamel #5,191,268, Mays #6,634,408, Heitschel et al #RE37,986, Eccleston et al #5,878,530, Cohen #6,388,559, Teich #5,584,145, Semelka #6,914,401, and Chung #6,911,898 are cited to teach garage door systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hugh B. Thompson II whose telephone number is (571) 272-6837. The examiner can normally be reached on Monday thru Friday 9 am to 5:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272-6777. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Hugh B. Thompson II
Primary Examiner
Art Unit 3634

August 2, 2005